



राजपत्र, हिमाचल प्रदेश

(असाधारण)

हिमाचल प्रदेश राज्यशासन द्वारा प्रकाशित

शिमला, मंगलवार, ६ अक्टूबर, १९६८/१७ आश्विन, १८६०

GOVERNMENT OF HIMACHAL PRADESH

LAW DEPARTMENT

NOTIFICATION

Simla-2, the 28th September, 1968

No. 6-16/68-LR.—The Himachal Pradesh Board of School Education Bill, 1968 (Bill No. 16 of 1968) after having received the assent of the President on the 5th August, 1968 under sub-section (2) of section 25 of

१०३८ असाधारण राजपत्र, हिमाचल प्रदेश, ६ अक्टूबर, १९६८/१७ अगस्त, १८६०

the Government of Union Territories Act, 1963 (Act No. 20 of 1963) is hereby published in the Rajpatra, Himachal Pradesh as Act No. 14 of 1968.

JOSEPH DINA NATH.
Under Secretary (Judicial).

THE HIMACHAL PRADESH BOARD OF SCHOOL EDUCATION ACT, 1968

(AS PASSED BY THE LEGISLATIVE ASSEMBLY)

AN
ACT

to provide for the establishment of a Board of School Education in Himachal Pradesh.

BE it enacted by the Himachal Pradesh Legislative Assembly in the Nineteenth Year of the Republic of India as follows:—

1. (1) This Act may be called the Himachal Pradesh Board of School Education Act, 1968.

Short title,
extent and
commence-
ment.

(2) It extends to the whole of Himachal Pradesh.

(3) It shall come into force at once.

2. In this Act, unless the context otherwise requires:—

Definitions

(a) 'Board' means the Board of School Education established under section 3;

(b) 'Bye-law' means a Bye-law made by the Board under this Act;

(c) 'Chairman' means the Chairman of the Board;

(d) 'Director' means the Director of Education, Himachal Pradesh;

(e) 'Government' means the Administrator of the Union territory of Himachal Pradesh;

(f) 'Head of Institution' means the Headmaster/Headmistress of a Middle or High School or the Principal of a Higher Secondary School, recognised by the Board;

(g) 'Inspecting Officer' means the District Education Officer, Deputy District Education Officer, Block Education Officer or any other officer appointed for the inspection of schools by the Education Department of the Himachal Pradesh Government;

(h) 'Institution' means institution imparting school education;

(i) 'Local Bodies' mean Municipalities, Panchayat Samities, Zila Parishads, Small Town Committees or Notified Area Committees;

(j) 'Managing Committee' means the Managing Committee constituted by the foundation society or the governing body of a recognised institution;

(k) 'Official Gazette' means the Rajpatra, Himachal Pradesh;

(l) 'Prescribed' means prescribed by Regulations;

(m) 'Principal' means the Head of College/Higher Secondary School/Junior Basic Training School;

(n) 'Regulations' mean Regulations made by the Board under this Act;

(o) 'Recognised' with its grammatical variations used with reference to institutions means recognised by the Board for the purpose of admission to the privileges of the Board;

(p) 'School Education' means the education from First Class to Eleventh Class, i.e., all education that precedes immediately the stage of education leading to entry to the first degree of a University established by law in India;

- (q) 'Secretary' means the Secretary to the Board; and
(r) 'Vice-Chairman' means the Vice-Chairman of the Board.

Incorporation of the Board.

3. (1) The Government shall establish, by notification in the Official Gazette, a Board of School Education for Himachal Pradesh with effect from such date as may be specified in the notification.

(2) The Board shall be a body corporate by the name of the Board of School Education for Himachal Pradesh and shall have perpetual succession and a common seal with power to acquire and hold property both movable and immovable, and, subject to the provisions made under this Act, to transfer any property held by it and to contract and to do all other things necessary for the purposes of its constitution and may sue or be sued in its corporate name.

Composition of the Board.

4. (1) The Board shall consist of the Chairman nominated in accordance with section 18 and of the following members, namely:—

I. Ex-Officio Members:

(a) the Director of Education, Himachal Pradesh;

II. Elected Members:

(b) three persons elected by the Himachal Pradesh Legislative Assembly from amongst its members;

III. Nominated Members (to be nominated by the Government):

(c) one Inspecting Officer of the Education Department of the Himachal Pradesh Government;

(d) one Principal of an Engineering College/Polytechnic in Himachal Pradesh;

(e) one Principal of Medical College in Himachal Pradesh;

(f) one Principal of an Agriculture College in Himachal Pradesh;

(g) one Principal representing Government Colleges of Education in Himachal Pradesh;

(h) one representative of the Managing Committees in Himachal Pradesh;

(i) one representative of local bodies in Himachal Pradesh;

(j) three Heads of High and Higher Secondary Schools, one each of the Government, non-Government and Girls High and Higher Secondary Schools;

(k) one representative of the Finance Department of Himachal Pradesh Government;

(l) one member to secure representation of such interests as are not otherwise represented;

IV. Co-opted Members:

(m) one member to be co-opted by the Board for their expert and wide knowledge of school education.

(2) If the Legislative Assembly fails to elect any member to the Board as required under clause (c) of sub-section (1) within the prescribed time, the Government shall nominate any member of that Assembly to be such member.

Headquarters of the Board.

5. The Board shall have Headquarters at a place to be notified by the Government in the Official Gazette.

Term of office of Members and filling of Casual Vacancies.

6. (1) The term of the office of members other than *ex-officio* members shall ordinarily be three years.

(2) If any elected member ceases for any reason to be a member of the Legislative Assembly from which he was elected, he shall cease to be a member and his office shall become vacant.

(3) Notwithstanding anything contained in this section, an outgoing member shall, unless the Government otherwise directs, continue in office until the election, nomination or co-option of his successor is notified in the Official Gazette.

(4) If the Government considers that the continuance in office of any nominated member is not in the interest of the Board, the Government may make an order terminating his nomination and thereupon he shall cease to be a member of the Board notwithstanding that the term for which he was nominated has not expired.

(5) Any member of the Board may resign his office by a letter addressed to the Chairman. The resignation shall take effect from the date of acceptance of his resignation by the Chairman.

(6) In the event of a casual vacancy occurring by reason of the death, resignation or termination of nomination of a member or for any other reason, such vacancy shall be filled by election, nomination, or co-option as the case may be, and any person so elected, nominated or co-opted to fill such vacancy shall hold office for the term for which it was tenable by the person in whose place he has been so elected, nominated or co-opted and no longer.

(7) An outgoing member shall, if otherwise qualified, be eligible for re-election, re-nomination or re-co-option.

(8) The name of every person elected, nominated or co-opted shall be notified in the Official Gazette.

7. No business shall be transacted at a meeting of the Board unless at least nine members are present.

Quorum

8. Subject to the provisions contained in section 7, no act or proceeding of the Board or a Committee thereof shall be invalid merely by reason of the existence of a vacancy among its members or by reason of a defect in its constitution or an irregularity in procedure not affecting the merits of the case.

Proceedings not invalidated by reasons of vacancies and irregularities.

9. No member shall take part in the discussion of, or exercise his vote on, any matter in which he has any personal or pecuniary interest.

Members debarred from taking part in discussion.

10. Subject to the provisions of this Act, the Board shall—

Powers and functions of the Board.

(1) prescribe courses of instructions for school education in Himachal Pradesh;

(2) conduct examinations based on such courses;

(3) admit to its examinations, on conditions that may be prescribed, candidates who pursue the prescribed courses of instructions—

(i) in recognised institutions; and

(ii) privately;

(4) publish the results of such examinations;

(5) grant diplomas or certificates to persons who have passed the examinations of the Board;

(6) prescribe courses of instructions for its diploma and certificate courses;

(7) prescribe conditions for recognition of schools and other institutions which send candidates to the examinations conducted by the Board in terms of teachers and their qualifications, curriculum, equipment, buildings and other educational facilities;

(8) demand and receive such fees as may be prescribed;

(9) co-operate with other authorities in such manner and for such

- purposes as the Board may determine;
- (10) place before the Government the views of the Board on any matter with which it is concerned;
- (11) call for reports from the Director on the conditions of an institution applying for recognition and to direct inspection of such institution;
- (12) arrange for publication of text books or other books of study recommended by the Text-Books Recognition Committee for publication by the Board;
- (13) adopt measures to promote the physical, moral, cultural and social welfare of students in recognised institutions and to prescribe conditions of their residence and discipline;
- (14) organise and provide lectures, demonstrations and educational exhibitions, seminars and symposiums and to take such other measures as are necessary to raise and promote the quality of school education in Himachal Pradesh;
- (15) institute and award scholarships, medals and prizes under conditions that may be prescribed;
- (16) conduct the departmental examinations;
- (17) take necessary steps with regard to the modernizing of school curricula, strengthening of science and mathematics education, work experience and vocationalisation; and
- (18) do all such other acts and things ancillary to any of the purposes specified above or for the purpose of carrying into effect the provisions of this Act.

Powers of
the Govern-
ment.

11. (1) The Government shall have the right to address the Board with reference to anything conducted or done by the Board and to communicate to the Board its views on any matter with which the Board is concerned.

(2) The Board shall report to the Government such action, if any, as it proposes to take or has taken upon the communication received under sub-section (1) and shall furnish an explanation if it fails to take action.

(3) If the Board does not, within a reasonable time, take action to the satisfaction of the Government with reference to the matter on which a communication has been received under sub-section (1), the Government may, after considering the explanation, if any, furnished or representation made by the Board, issue such directions, consistent with this Act, as it may think fit and the Board shall comply with such directions.

(4) In any emergency which in the opinion of the Government, requires that an immediate action should be taken, the Government may take such action, consistent with this Act, as it deems necessary without previous consultation with the Board and shall forthwith inform the Board thereof.

(5) The Government may, by order in writing specifying the reasons therefor, suspend the execution of any resolution or order of the Board and prohibit the doing of any act ordered or purporting to be ordered, to be done by the Board, if the Government is of opinion that such resolution, order or act is in excess of the powers conferred by or under this Act upon the Board.

(6) Whenever any action is taken by the Government under sub-sections (3), (4) or (5), a report thereof shall be laid on the Table of the Legislative Assembly at the earliest possible opportunity stating the reasons for such action.

12. A Board Fund shall be constituted and all sums received by or on behalf of the Board under this Act or otherwise shall be placed to the credit thereof. Constitution of Board Fund.
13. (1) All moneys at the credit of the Board Fund, except moneys required for day to day expenditure, shall be kept in the current or savings bank account with a Scheduled Bank: Custody and investment of Board Fund.
Provided that nothing in this section shall be deemed to preclude the Board from investing such moneys as are not required for immediate expenditure in any of the Government securities.
(2) Accounts of the Board with a bank may be operated upon by the Secretary of the Board or by such other officer as may be prescribed by the Board.
14. (1) Subject to the provisions of this Act, the Board Fund shall be applicable:— Application of Board Fund.
(i) only to the payment of the charges and expenses incidental to the several matters specified in this Act; and
(ii) to any other purposes for which by or under this Act powers are conferred or duties imposed upon the Board.
(2) The annual net savings shall be placed at the disposal of the Government exclusively for the development of school education in Himachal Pradesh.
15. The accounts of the Board shall be audited annually by such agency as may be specified by the Government and a copy of the audited accounts and balance sheet shall be submitted by the Board to the Government each year by such date as the Government may specify. Audit of the accounts of the Board.
16. All contracts in writing and assurances of property of the Board shall be signed by the Secretary on behalf of the Board or in such other manner as may be prescribed, and shall, if so signed, be binding on the Board. Contracts
17. Subject to other provisions of this Act, the following shall be the officers of the Board, namely:— Officers of the Board.
(1) Chairman,
(2) Vice-Chairman,
(3) Secretary to the Board, and
(4) such other officers as may be declared by the Regulations to be the officers of the Board.
18. (1) The Chairman of the Board to be nominated by the Government shall be an eminent educationist having special experience of school education. Chairman
(2) The Chairman so nominated shall hold office for a term of three years from the date on which he assumes charge of the office and shall be eligible to be renominated for a second term.
19. (1) The Chairman shall be the Administrative Head of the Board; it shall be the duty of the Chairman to see that this Act and the Regulations are faithfully observed and he shall have all the powers necessary for this purpose. Powers and duties of the Chairman.
(2) The Chairman may at any time, and shall, at prescribed intervals or on receipt of a requisition signed by not less than one-third of the total number of members of the Board and stating the business to be brought before the Board, call a meeting of the Board in the prescribed manner.
(3) In any emergency, arising out of the administrative business of the

Board, which, in the opinion of the Chairman, requires that immediate action should be taken, the Chairman shall take such action as he deems necessary, and shall thereafter report his action to the Board at its next meeting.

(4) The Chairman shall preside at every meeting of the Board at which he is present.

(5) The Chairman shall exercise such other powers as may be invested in him by Regulations.

Vice-Chairman.

20. The Director of Education, Himachal Pradesh shall be the *ex-officio* Vice-Chairman of the Board.

Powers and duties of the Vice-Chairman.

21. The Vice-Chairman shall assist the Chairman in all matters, administrative and academic; shall discharge such duties and exercise such powers as may be delegated to him by the Chairman; and shall in the latter's absence exercise all the powers of the Chairman.

Appointment, powers and duties of the Secretary.

22. (1) The Secretary shall be appointed by the Government upon such conditions and for such period as the Government may deem fit.

(2) The Secretary shall, subject to the control of the Board, be the Chief Executive Officer of the Board.

(3) All meetings of the Board shall be convened through the Secretary in the manner provided by the Regulations.

(4) The Secretary shall be responsible for seeing that all moneys are expended for the purposes for which they are granted or allotted.

(5) The Secretary shall be responsible for keeping the minutes of all meetings of the Board.

(6) The Secretary shall be entitled to be present and to speak at any meeting of the Board but shall not be entitled to vote thereat.

(7) The Secretary shall exercise such other powers as may be laid down in the Regulations.

Other Officers and Servants of the Board.

23. (1) The Government may appoint Deputy Secretaries to the Board and such number of Assistant Secretaries thereof, on such conditions and for such period as the Government may deem fit.

(2) The officers appointed under sub-section (1) shall perform such functions and exercise such powers as may be prescribed.

(3) The Board may appoint such other officers and servants as it considers necessary for the efficient performance of its functions.

(4) The qualifications, conditions of service and the scales of pay of officers and servants of the Board, other than Deputy Secretary, Assistant Secretary and Secretary, shall be determined by the Regulations.

Appointment and constitution of Committees.

24. (1) The Board shall appoint the following committees, namely:—

(a) an Executive Committee;

(b) a Finance Committee;

(c) an Examination Committee;

(d) a Curriculum Committee;

(e) a Text-Book Recognition Committee; and

(f) such other Committees as may be prescribed.

(2) Every such Committee shall consist of such members of the Board and of such other persons, if any, as the Board may think fit.

(3) Every such Committee may co-opt persons to be members from amongst the members of the Board to the number of one-third of the members appointed to it.

(4) The term of the members except the co-opted members shall be as prescribed by Regulations.

(5) The co-opted members shall hold office for a period of one year.

25. All matters relating to the exercise by the Board, of powers conferred upon it by this Act which have, by Regulations, been delegated by the Board to any Committee appointed under section 24 shall stand referred to that Committee, and the Board, before exercising any such powers, shall receive and consider the report of the Committee with respect to the matter in question:

Exercise of powers delegated by Board to Committees.

Provided that where, in the opinion of the Board, immediate action is necessary with respect to any such matter, it may proceed to deal with it without the report of the Committee in respect thereof and pass such orders thereon as it considers necessary.

26. (1) The Board may make Regulations for the purposes of carrying into effect the provisions of this Act.

Powers of the Board to make Regulations.

(2) In particular and without prejudice to the generality of the foregoing power, the Board may make Regulations providing for all or any of the following matters, namely:—

- (a) the procedure of the Board;
- (b) the constitution, powers and duties of Committees appointed under section 24;
- (c) the award of diplomas and certificates;
- (d) the courses of study to be laid down for all diplomas or certificates;
- (e) the conditions of recognition of institutions for the purposes of admission to the privileges of the Board and framing of a School Education Code to ensure a minimum standard of efficient and uniform management of schools;
- (f) the conditions under which candidates shall be admitted to the examinations of the Board and shall be eligible for diplomas and certificates;
- (g) the conduct of examinations;
- (h) the fees for admission to examinations of the Board;
- (i) the appointment of officers, clerks and other servants of the Board and the conditions of their service;
- (j) the appointment of examiners and their duties and powers in relation to the Board examinations;
- (k) the constitution of a Provident Fund for the benefit of officers, clerks and other servants employed by the Board;
- (l) the framing of service, conduct and discipline rules for the employees of the Board;
- (m) the control, administration, safe custody and management in all respects of the finances of the Board;
- (n) the election or nomination of members to the Board;
- (o) the institution of scholarships and prizes;
- (p) the emoluments and allowances of members of the Board and all its Committees; and
- (q) all matters which by this Act are to be or may be prescribed or provided for by Regulations.

27. (1) The first Regulations shall be made by the Government and they shall be deemed to have been made by the Board and continue in force until altered or modified by the Board.

First Regulations of the Board.

(2) The Regulations made under sub-section (1) shall not take effect until they have been published in the Official Gazette.

Copies of Regulations and alterations thereof.

28. A copy of every Regulation made by the Board under section 26 and of every modification or rescission thereof or of each of the first regulations of the Board made or deemed to have been made under section 27 shall be submitted without undue delay to the Government for information.

Powers of the Board etc. to make Bye-laws.

29. (1) The Board and Committees appointed by it may make Bye-laws consistent with this Act and the Regulations—

- (a) laying down the procedure to be observed at meetings and the number of members required to form quorum; and
- (b) providing for all other matters solely concerning the Board and Committees appointed by it and not provided for by this Act and the Regulations.

(2) The Board and the Committees appointed by it shall make Bye-laws providing for the giving of notice to their members, of dates of meetings, and of the business to be considered at meetings and for the keeping of a record of the proceedings of meetings.

(3) The Board may direct the amendment or rescission of any Bye-law made under this section by a Committee appointed by it, and such Committee shall give effect to the direction.

Consequences to ensue on commencement of the Act.

30. As from the date specified for the establishment of the Board in the notification under sub-section (1) of section 3, the following provisions shall have effect, namely:—

- (i) Notwithstanding anything contained in this Act, all educational institutions admitted to the privileges of the Panjab University, Chandigarh in respect of secondary education and situated within Himachal Pradesh shall, in respect of such education, with effect from the date of commencement of this Act, be deemed to be admitted to the privileges of the Board, and the Board shall, as far as possible and consistent with this Act, admit such institutions to all such privileges in respect of secondary education as they had from the Panjab University, Chandigarh before the said date; and
- (ii) Notwithstanding anything contained in this Act or the Regulations made thereunder, the Board shall provide for such period, and in such manner, as may be prescribed, for the instructions, teaching and training of students of institutions situated within Himachal Pradesh and admitted to the privileges of the Panjab University, Chandigarh, who before the date of the commencement of this Act were studying or were eligible for any examination of the said University in secondary education and for the examination of such students and others in accordance with the courses of studies of the said University.

Power to remove difficulties.

31. If any difficulty arises as to the first constitution of the Board or otherwise in giving effect to the provisions of this Act, the Government, as occasion may require, may, by order, do anything which appears to it necessary for the purpose of removing the difficulty.